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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,209	12/20/2001	Jong Hyun Jin	HI-0060	6141

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EXAMINER	
NGUYEN, STEVEN H D	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,209	JIN, JONG HYUN	
	Examiner	Art Unit	
	Steven HD Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-7 and 9-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2, 7, 9-16, 21-23 and 27-30* is/are rejected.

7)☒ Claim(s) *4-6,17-20,24-26,31 and 32* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 11, 16, 23 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Tervo (WO 0067501) in view of Rasanen (USP 6678527) and Knuutila (USP 6810035).

Regarding claim 1, Tervo discloses a system of controlling a multimedia call in a mobile communication system comprising first and second mobile stations to initiate and respond to a multimedia call, respectively and process a visual communication in accordance with a multimedia call service option (Fig 4 discloses a MS3 initiates a call setup with a multimedia service option to MS1, See page 18, line 22 to page 19, line 2, page 22, line 1 to page 23, lines 34); a base station/base station controller configured to set up the multimedia call using a multimedia bypass service option after recognizing the multimedia call service option of at least one of the first and second mobile stations (Fig 1, Ref BSC1 is used to setup a multimedia call between the mobiles MS1 and MS3); a mobile switching center configured to set up the multimedia call using the base station/base station controller to control the second mobile station according to the multimedia call service option from the base station/base station controller (Fig 1, Ref MSC1 is configured to setup a multimedia call between MS1 and MS3) and data is directly communicated between the first and second stations according to the multimedia call

service option without passing through an IWF or a PDSN (Fig 1, the MS1 and MS2 are communicating with each other via established channels such RC1, RC3 and BTS1 without passing IWF or SGSN). However, Tervo fails to disclose radio link connecting means used to connect the first and second mobile stations while bypassing a radio link protocol after each of the first and second mobile stations establishes a traffic channel with the base station according to the multimedia call service option (Fig 8, Ref 73 is used to establish a transparent channel for transmitting video, audio and data without using RLP 88). However, Tervo and Rasanen fail to fully disclose means for transmitting/receiving multimedia data using a higher application protocol than the radio link protocol to maintain a multimedia call in each of the first and second mobile stations connected by the radio link connecting means. In the same field of endeavor, Knuutila discloses means for transmitting/receiving multimedia data using a higher application protocol than the radio link protocol to maintain a multimedia call in each of the first and second mobile stations connected by the radio link connecting means (Fig 2, Ref H.263/H.223 is using a higher application protocol than RLP to transmit a multimedia data between the mobiles).

Since, the references disclose a system and method for setup a multimedia call between the mobiles via wireless network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a Higher application protocol for using to convey multimedia data between the mobiles via wireless network into the teaching of Rasanen which discloses RLP is bypassed when the mobile establish the traffic channel for using to convey a multimedia data between the mobiles via wireless network into the teaching of Tervo. The motivation would have been to reduce the cost of using the wireless network for conveying non real time data and obtain a quality for real time data.

Regarding claim 2, Tervo discloses the first mobile station initiates the multimedia call in accordance with commands received from a user interface, and sets up the multimedia call using a telephone number of the second mobile station (Page 22, lines 8-33).

Regarding claims 11, 16, 23, and 28, Rasanen discloses the radio call is set-up between the originating and receiving mobile stations in accordance with a radio link protocol (RLP) (col. 9, lines 51-67). However, Tervo and Rasanen fail the multimedia call is set-up between the originating and receiving mobile station using an application protocol higher than RLP to maintain a visual conversation which transmits a multimedia data. In the same field of endeavor, Knuutila discloses the multimedia call is set-up between the originating and receiving mobile station using an application protocol higher than RLP to maintain a visual conversation which transmits a multimedia data (Fig 2, Ref H.263/H.223 is using a higher application protocol than RLP to transmit a multimedia data between the mobiles).

Since, the references disclose a system and method for setup a multimedia call between the mobiles via wireless network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a Higher application protocol for using to convey multimedia data between the mobiles via wireless network into the teaching of Rasanen and Tervo. The motivation would have been to reduce the cost of using the wireless network for conveying non real time data and obtain a quality for real time data.

3. Claims 7, 9-15, 21-22, 27 and 29-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Tervo (WO 0067501) in view of Rasanen (USP 6678527)

Regarding claims 7, 9, 21-22, 27 and 29-30, Tervo discloses a method of controlling a multimedia call in a mobile communication system comprising initiating a radio call from an

originating mobile station in accordance with a receiving mobile station telephone number (Fig 1 and 4, Page 18, line 22 to page 19, line 2 and page 22, lines 8-33); recognizing in a base station/base station controller a multimedia call service option transmitted from the originating mobile station (page 22, lines 8-33, Fig 1, Ref BTS1 and BSC1); setting up the radio call through the base station where the receiving mobile station is located using the multimedia call service option and the receiving mobile station telephone number (page 22, lines 8-33, Fig 1, Ref BTS, BSC and MSC pages the terminated mobile if determining the location of the terminated mobile from HLR/VLR); confirming the radio call using the service option from the base station (page 22, lines 8-33, Fig 1, the terminated mobile acknowledges the page signal) and setting up the radio call upon authorization from the receiving mobile station wherein authorization of the receiving mobile station is provided by a user of the receiving mobile station accepting the call upon being notified of the radio call using the multimedia call service option (page 22, lines 8-33, Fig 1, after receiving acknowledge from the terminated mobile, the base station establishes a traffic channel with the terminal mobile) and transmitting and receiving video data between the originating and receiving mobile stations without using a packet data serving node (PDSN) or IWU (Fig 1, the MS1 and MS2 are communicating with each other via established channels such RC1, RC3 and BTS1 without passing IWF or SGSN). However, Tervo fails to disclose setting up the multimedia call between the originating and receiving mobile stations after said step of setting up the radio call. In the same field of endeavor, Rasanen discloses setting up the multimedia call between the originating and receiving mobile stations after said step of setting up the radio call (Col. 9 , lines 51-67, after establishing a GSM call setup for radio call for multimedia call, the mobiles sets up a multimedia call).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for setting up a multimedia call between the mobiles as disclosed by Rasanen into the system and method of Tervo. The motivation would have been to obtain a quality signal.

Regarding claim 10, Rasanen discloses establishing a traffic channel based on the service option and processing a radio link protocol between the originating and receiving mobile stations and the corresponding base station in a bypass service option (col. 9, lines 51-67).

Regarding claim 12, Rasanen discloses setting up the radio call between the mobile stations in the base station/base station controller by recognizing the multimedia call service option and using a multimedia data bypass service option in setting up the multimedia call between the mobile stations (col. 9, lines 51-67).

Regarding claim 13, Tervo discloses the multimedia data bypass service option between the originating and receiving mobile stations sets up a radio link protocol to connect the multimedia call without passing through an IWF or a PDSN (Fig 1, the MS1 and MS2 are communicating with each other via established channels such RC1, RC3 and BTS1 without passing IWF or SGSN).

Regarding claim 14, Rasanen discloses the multimedia call service communicates packet data among the originating and receiving mobile stations, the base station/base station controller, and a mobile switching center at a prescribed bit rate by using a fixed bit service option (Col. 11, lines 33-40).

Regarding claim 15, Rasanen discloses the multimedia call includes packet services having a first data rate and a second data rate the second data rate being higher than the first data rate (Col. 11, lines 33-62, first bit rate, 8 kbps and second bit rate 24 kbps).

Allowable Subject Matter

4. Claims 4-6, 17-20, 24-26 and 31-32 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 6/14/06 have been fully considered but they are not persuasive.

In response to page 2, the applicant states that Tervo fails to disclose transmitting and receiving between the mobiles without using an IWF or PDSN. In reply, Tervo discloses MS1 and MS3 are communicating with each other via BTS1 (page 13, lines 15-36) or MS1 and MS2 are communicating with each other via BTS1, BSC1 and BTS2 (page 22, lines 8 to page 23, lines 11). So Tervo clearly states that MS1 and MS3 are communicating with each other via BTS1 or MS1 and MS2 are communicating with each other via BTS1, BSC1 and BTS2without passing the information SGSN or IWF.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven HD Nguyen
Primary Examiner
Art Unit 2616
August 21, 2006